

**PROCURING INFRASTRUCTURE PUBLIC-PRIVATE PARTNERSHIPS 2018 IN QATAR**

SURVEY QUESTION	ANALYSIS
<b>PPP Regulatory Framework</b>	
<b>2. Does the regulatory framework in your country allow procuring PPPs?</b>	Yes
<b>If yes, please specify the relevant regulatory framework and the year of adoption:</b>	There is no specific regulatory framework governing PPPs in Qatar at the current stage. PPPs are procured using the following regulations: 1) Law No. 24/2015 regulating the Auctions and Tenders Law [hereinafter “Tenders Law”], Article 2 of which provides, “The contract for the purchase of items or the contracting of works or services shall be by public tender.”; 2) Cabinet Resolution No. 22/2016 issuing the Executive Regulations to the Auctions and Tenders Law [hereinafter “Tenders Regulations”]; Law No. 13/2000 regulating the Investment of Foreign Capital in Economic Activities (amended by Law No 2 of 2005, Law No. 6 of 2006, and Law No. 1 of 2010). The aforementioned regulations shall form the regulatory framework governing PPPs in Qatar for purposes of this analysis.
<b>and provide a link to a government-supported website where the mentioned regulatory framework is available or provide an electronic copy of it:</b>	Tenders Law: <a href="http://www.almeezan.qa/LawPage.aspx?id=6812&amp;language=ar">http://www.almeezan.qa/LawPage.aspx?id=6812&amp;language=ar</a> Tenders Regulations: <a href="http://www.almeezan.qa/LawPage.aspx?id=7011&amp;language=ar">http://www.almeezan.qa/LawPage.aspx?id=7011&amp;language=ar</a> Investment Law: <a href="http://dhaman.net/ar/wp-content/uploads/sites/2/2016/05/Qatar_E.pdf">http://dhaman.net/ar/wp-content/uploads/sites/2/2016/05/Qatar_E.pdf</a>
<b>2.1. Are you aware of any reforms (in the regulatory frameworks – laws, regulations, policies, etc.- or in generally followed practices) related to PPPs that: Took place in 2016, are ongoing and/or are planned to be adopted BEFORE June 1, 2017?</b>	No
<b>Please describe:</b>	n/a
<b>2.2 Are ongoing and/or are planned to be adopted AFTER June 1, 2017?</b>	Yes
<b>Please describe:</b>	New PPP and Investment Law expected sometime soon.
<b>3.1 Besides national defense and other matters of national security, does the regulatory framework explicitly prohibit or</b>	No

<b>restrict PPPs in any of the following sectors?: Transportation.</b>	
<b>If yes, please provide the relevant legal/regulatory provisions:</b>	n/a
<b>3.2 Besides national defense and other matters of national security, does the regulatory framework explicitly prohibit or restrict PPPs in any of the following sectors?: Water and Irrigation</b>	No
<b>If yes, please provide the relevant legal/regulatory provisions:</b>	n/a
<b>3.3 Besides national defense and other matters of national security, does the regulatory framework explicitly prohibit or restrict PPPs in any of the following sectors?: Energy generation and distribution.</b>	No
<b>If yes, please provide the relevant legal/regulatory provisions:</b>	n/a
<b>3.4 Besides national defense and other matters of national security, does the regulatory framework explicitly prohibit or restrict PPPs in any of the following sectors?: Telecom</b>	No
<b>If yes, please provide the relevant legal/regulatory provisions:</b>	n/a
<b>3.5 Besides national defense and other matters of national security, does the regulatory framework explicitly prohibit or restrict PPPs in any of the following sectors?: Other</b>	No

<b>If yes, specify and provide the relevant legal/regulatory provisions:</b>	n/a
<b>4. Does the regulatory framework provide for a specific tax regime for PPP transactions (i.e. tax incentives, special tax depreciation treatment, etc.)?</b>	No
<b>If yes, please specify and provide the relevant legal/regulatory provision (if any):</b>	n/a
<b>5. Please identify the PPP procuring authorities in Qatar and provide their website(s) (if available):</b>	<p>All government entities shall be competent to procure PPP projects in their defined sector and in accordance with the Tenders Law. Article 1 of the Tenders Law defines government entities as, “The concerned ministry, government agency, body or public institution, as the case may be.” In the “publication articles” within the Tenders Law that set its scope, Issuance Article 2 provides, “The provisions of the attached law shall apply to the ministries and other government agencies and public bodies and institutions. The following provisions shall be excluded from the scope of application of the provisions of the law and to the extent provided by the relevant legislative instrument:</p> <ol style="list-style-type: none"> <li>1. The armed forces, the police and other military authorities, And the organization of the terms of their contracts and contracts Amiri decision.</li> <li>Qatar Petroleum.</li> <li>3 - Qatar Investment Authority.</li> <li>4 - The entities that issue the exception, and the list of tenders and auctions of their own, a decision of the Council of Ministers, on the proposal of the Minister of Finance.</li> </ol> <p>A decision of the Council of Ministers may, upon the proposal of the Minister of Finance, apply the provisions of the attached law to the entities whose budget is funded in whole or in part by the State.”</p> <p>For purposes of the case study assumption, the Public Works Authority (Ashghal) <a href="http://www.ashghal.gov.qa/en/Pages/default.aspx">http://www.ashghal.gov.qa/en/Pages/default.aspx</a> and Ministry of Transport and Communication <a href="http://www.motc.gov.qa/en">http://www.motc.gov.qa/en</a> shall be the relevant procuring authorities.</p>
<b>6. In addition to the PPP procuring authorities listed above, is there a specialized government entity that facilitates the PPP program (PPP Unit)?</b>	No
<b>If yes, please indicate its name, and its website (if available):</b>	n/a
<b>6.1 If yes, what are the main responsibilities of the PPP Unit (check all</b>	n/a

that apply): PPP regulation and policy guidance.	
6.2 PPP capacity building for other public authorities.	n/a
6.3 PPP promotion among the public and/or private sectors in national and international forums.	n/a
6.4 Technical support in implementing PPP projects.	n/a
6.5 Identification and selection of PPP projects from the pipeline.	n/a
6.6 Revision of fiscal risks born by the Government.	n/a
6.7 Consultation with affected communities on potential impact of PPP projects.	n/a
6.8 Approval of PPP projects.	n/a
6.9 Undertaking the procurement of PPPs.	n/a
6.10 Oversight of PPP implementation.	n/a
6.11 Other	n/a
6.11 please specify:	n/a
Please provide the relevant legal/regulatory provisions:	n/a
<b>PPP Preparation</b>	
8. Does the Ministry of Finance or Central Budgetary Authority approve the PPP project before launching the procurement process?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	No regulatory basis
8.1. Does the Ministry of Finance or Central Budgetary Authority approve the PPP project before signing the PPP contract?	Yes

<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	No regulatory basis
<b>8.2. Does the Ministry of Finance (or government more broadly) have a specific system of: Budgeting for PPP projects.</b>	No
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>Accounting liabilities (explicit and implicit, direct and contingent) arising from PPPs.</b>	No
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>Reporting liabilities (explicit and implicit, direct and contingent) arising from PPPs.</b>	No
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>8.3. If yes to question 8.2, which of the following alternatives best describes the regulation?: Accounting and reporting according to International Public Sector Accounting Standards (IPSAS).</b>	n/a
<b>Accounting and reporting according to other international standard (e.g. European System of Accounts).</b>	n/a
<b>Please specify:</b>	n/a
<b>Other.</b>	n/a
<b>Please specify:</b>	n/a
<b>9. Besides the procuring authority and the Ministry of Finance or Central Budgetary Authority, does any other authority(s) approve the PPP project before launching the</b>	No

<b>procurement process (e.g. Cabinet, Cabinet Committee, Parliament, Supreme Audit Office, etc.)?</b>	
<b>If yes, please specify the relevant authority</b>	n/a
<b>and provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>9.1. Besides the procuring authority and the Ministry of Finance or Central Budgetary Authority, does any other authority(s) approve the PPP project before signing the PPP contract?</b>	No
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>10. Does the procuring authority use transaction advisors during the PPP project cycle?</b>	Yes
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	<p>Article 12(5) of the Tenders Regulation provides with regards to the procuring authority's established evaluation committee that "The committee shall invite governmental or other employees experienced in the subject of contract as it deems necessary to attend the meetings, without any right of voting." Contributors moreover confirm that procuring authorities use transaction advisors during PPP projects accordingly.</p>
<b>11. In a case comparable to the case study assumptions, please select the option that best describes the way your government integrates the prioritization of PPP projects with other public investment project prioritization? (e.g. in the context of a national public investment system, multi-year perspective plans, medium-term budgetary framework): The regulatory framework provides for</b>	No

<p><b>the inclusion of PPPs in the national public investment system/medium term budgetary framework and details a specific procedure to ensure the consistency of PPPs with other public investment priorities.</b></p>	
<p><b>If yes, please specify and provide the relevant legal/regulatory provisions (if any):</b></p>	n/a
<p><b>The regulatory framework prescribes the need for PPPs to be consistent with all other investment priorities without establishing a specific procedure to achieve that goal.</b></p>	No
<p><b>If yes, please provide the relevant legal/regulatory provisions (if any):</b></p>	n/a
<p><b>The regulatory framework does not include any provisions but the procuring authority evaluates the consistency of PPPs with other government investment priorities in practice.</b></p>	Yes
<p><b>If yes, please elaborate:</b></p>	<p>PPPs are to be prioritized as per Qatar Vision 2030 <a href="http://www.qdb.qa/English/Documents/QNV2030_English.pdf">http://www.qdb.qa/English/Documents/QNV2030_English.pdf</a> pp. 25-25 providing that “Qatar’s bountiful hydrocarbon resources can be leveraged to make sustainable development a reality for all its people.</p> <p>Converting these natural assets into financial wealth provides a means to invest in world-class infrastructure; build efficient delivery mechanisms for public services; create a highly skilled and productive labor force; and support the development of entrepreneurship and innovation capabilities. If attained, these achievements would in turn provide a broader platform for the diversification of Qatar’s economy and its positioning as a regional hub for knowledge and for high value industrial and service activities. However, the challenges should not be underestimated.</p> <p>The first challenge is to enable the private sector to play an essential role in achieving sustainable development...A second challenge will be to choose and manage a pathway that delivers prosperity yet avoids economic imbalances and stresses. Once inflation becomes ingrained, or hurried development projects are implemented, or public services can no longer cope with burgeoning demands,</p>

	there will be risks to sustaining prosperity and to social cohesion. Skillful and farsighted economic management and effective and agile institutions will be needed to attenuate these risks.”
<b>The procuring authority does not evaluate PPPs against existing government priorities.</b>	No
<b>Please elaborate and provide examples:</b>	n/a
<b>11.1. Based on your experience, is it always the case that this prioritization is done in practice in accordance with the provisions of the regulatory framework described above?</b>	No
<b>If yes, please specify:</b>	n/a
<b>If no, please elaborate:</b>	Contributors provided that there is no clear evidence that prioritization is consistently actually done in practice and implemented.
<b>12.1 Which of the following assessments are conducted when identifying and preparing a PPP in order to inform the decision to proceed with it? (check all that apply): Socio-economic analysis (cost-benefit analysis of the socio-economic impact of the PPP project)</b>	No
<b>Relevant legal/regulatory provision (if any)</b>	n/a
<b>Is there a specific methodology for the assessment?</b>	n/a
<b>If yes, please elaborate</b>	n/a
<b>Is the assessment done in practice?</b>	n/a
<b>Details:</b>	n/a
<b>12.2. Affordability assessment, including the identification of the required long term public commitments (explicit and implicit, direct and contingent liabilities)</b>	Yes



<b>Relevant legal/regulatory provision (if any)</b>	Article 2 of the Tenders Regulation under “Preliminary Procedures” provides, “Before approval of placement, availability of the required financial credit must be verified of.”
<b>Is there a specific methodology for the assessment?</b>	No
<b>If yes, please elaborate</b>	n/a
<b>Is the assessment done in practice?</b>	No
<b>Details:</b>	Contributors provided that there is no clear evidence that the affordability assessment is actually done in practice.
<b>12.3. Risk identification, allocation and assessment (risk matrix)</b>	Yes
<b>Relevant legal/regulatory provision (if any)</b>	No regulatory basis
<b>Is there a specific methodology for the assessment?</b>	No
<b>If yes, please elaborate</b>	n/a
<b>Is the assessment done in practice?</b>	Yes
<b>Details:</b>	Contributors provided this assessment is conducted as part of the feasibility studies.
<b>12.4. Comparative assessment to evaluate whether a PPP is the best option when compared to other procurement alternatives (i.e. value for money analysis, public sector comparator)</b>	No
<b>Relevant legal/regulatory provision (if any)</b>	n/a
<b>Is there a specific methodology for the assessment?</b>	n/a
<b>If yes, please elaborate</b>	n/a
<b>Is the assessment done in practice?</b>	n/a
<b>Details:</b>	n/a
<b>12.5. Financial viability or bankability assessment</b>	Yes

<b>Relevant legal/regulatory provision (if any)</b>	No regulatory basis
<b>Is there a specific methodology for the assessment?</b>	No
<b>If yes, please elaborate</b>	n/a
<b>Is the assessment done in practice?</b>	Yes
<b>Details:</b>	Contributors provided this assessment is conducted as part of the feasibility studies.
<b>12.6. Market sounding and/or assessment (showing evidence of investors' interest in the market for the project)</b>	Yes
<b>Relevant legal/regulatory provision (if any)</b>	No regulatory basis
<b>Is there a specific methodology for the assessment?</b>	No
<b>If yes, please elaborate</b>	n/a
<b>Is the assessment done in practice?</b>	Yes
<b>Details:</b>	Contributors provided this assessment is conducted as part of the feasibility studies.
<b>12.7. Environmental impact assessment</b>	Yes
<b>Relevant legal/regulatory provision (if any)</b>	Article 1 of Law 30/2002 Promulgating the Law on Environment Protection (Environment Protection Law) provides, "The "Environmental Impact Assessment ("EIA")" means the study related to the environmental feasibility analysis conducted before licensing Projects, their construction or operation are likely to affect the safety of the Environment. The EIA aims to identify the potential environmental effects, and the appropriate measures and means to control, remove or mitigate the negative effects, or maximize the Project positive inputs on the Environment." Article 4 of this Law provides, "All Administrative Authorities shall observe the environmental considerations, giving them top priority, consolidate these considerations in all the phases and levels of planning, and make the environmental planning an integral part of the overall industrial, agricultural, construction and other developmental planning."
<b>Is there a specific methodology for the assessment?</b>	No
<b>If yes, please elaborate</b>	n/a
<b>Is the assessment done in practice?</b>	No
<b>Details:</b>	Contributors provided that there is no clear evidence that environmental impact assessments are actually done in practice.

<b>12.8. Consultation process with affected communities on potential impact of the PPP project</b>	No
<b>Relevant legal/regulatory provision (if any)</b>	n/a
<b>Is there a specific methodology for the assessment?</b>	n/a
<b>If yes, please elaborate</b>	n/a
<b>Is the assessment done in practice?</b>	n/a
<b>Details:</b>	n/a
<b>13. Does the procuring authority include the assessments (indicated in Question 12 above) in the request for proposals and/or tender documents (for example, as part of an Information Memorandum to the bidders)?</b>	No
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>and specify which of the assessments are included in the request for proposals and/or tender documents:</b>	n/a
<b>13.1. Are the assessments published online?</b>	No
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>specify the website</b>	n/a
<b>please specify which of the assessments are published online:</b>	n/a
<b>14. Does the procuring authority include a draft PPP contract in the request for proposals?</b>	Yes
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	Article 8 of the Tender Regulation provides, "The competent department shall prepare tender documents within a sufficient period before they are needed, in order to be delivered to any applicant, after payment of the cash consideration specified in the announcement.

	Documents must include the following: 1- Tender announcement form... 8- Contract form... 9- Any other related documents to be added in accordance with opinion of the department.”
<b>If no, please elaborate</b>	n/a
<b>14.1. Are the tender documents published online?</b>	Yes
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	No regulatory basis
<b>and please specify the website:</b>	Tender documents are published on the procuring authority’s website: <a href="http://www.ashghal.gov.qa/en/Tenders/Pages/default.aspx?TenderID=6d67697d-b0a2-4352-a169-b911c8fac5dc">http://www.ashghal.gov.qa/en/Tenders/Pages/default.aspx?TenderID=6d67697d-b0a2-4352-a169-b911c8fac5dc</a>
<b>15. In a case comparable to the case study assumptions, have standardized PPP model contracts and/or transaction documents been developed?</b>	No
<b>If yes, please specify and provide a government-supported website where the mentioned standards are available or provide an electronic copy of them:</b>	n/a
<b>16.1 In a case comparable to the case study assumptions, who is the responsible party for each of the following requirements? Obtaining the required urban permits: Procuring authority (or other Government entity)</b>	No
<b>Private Partner</b>	No
<b>Private partner with facilitation role assigned to the procuring authority (or other Government entity)</b>	No
<b>To be established in the contract</b>	Yes
<b>Relevant legal/regulatory provision (if any)</b>	No regulatory basis

<b>16.2. Obtaining the required environmental permits: Procuring authority (or other Government entity)</b>	Yes
<b>Private Partner</b>	No
<b>Private partner with facilitation role assigned to the procuring authority (or other Government entity)</b>	No
<b>To be established in the contract</b>	No
<b>Relevant legal/regulatory provision (if any)</b>	<p>Article 11 of the Environment Protection Law provides, “The Council shall, by coordination with the competent Administrative Authorities ,lay down the necessary criteria, specifications, basics and restrictions for assessing the environmental impact of the Projects and Establishments, which require licensing. In particular the Council shall carry out the following:</p> <ol style="list-style-type: none"> <li>1. Determine the categories and sections of the public and private development Projects, which by their nature are harmful to the Environment.</li> <li>2. Determine the environmentally important areas and location as per the Environment Protection criteria. The Executive Regulation shall determine the procedures for the Environmental Impact Assessment (“EIA”) and the conditions for the environmental licensing of the Project or the operating permit, the cases of withholding or cancellation thereof.”</li> </ol> <p>Article 13 of the same Law further provides, “Without prejudice to the other conditional clauses stipulated in the applicable laws, the Licensing Authorities shall issue licenses for the Projects indicated in the Executive Regulation pursuant to the provision of Article 11 of this law, except after presenting an EIS study, and obtaining the approval of the Council to the results of this study.</p> <p>The Project or the Establishment may not be operated without receiving the necessary license complete with the environmental impact evaluation study and the Council approval.”</p> <p>Article 1 of this Law provides, “The “Council” means the Supreme Council for the Environment and Natural Reserves (“SCENR”).</p> <p>The “Licensing Authority” means any Authority responsible for issuing licenses to practice activities or establish of Projects which have potential harmful consequences to the Environment.”</p>
<b>16.3. Obtaining the required operational permits: Procuring authority (or other Government entity)</b>	No
<b>Private Partner</b>	No
<b>Private partner with facilitation role assigned to the procuring authority (or other Government entity)</b>	No

<b>To be established in the contract</b>	Yes
<b>Relevant legal/regulatory provision (if any)</b>	No regulatory basis
<b>16.4. Obtaining the required land: Procuring authority (or other Government entity)</b>	Yes
<b>Private Partner</b>	No
<b>Private partner with facilitation role assigned to the procuring authority (or other Government entity)</b>	No
<b>To be established in the contract</b>	No
<b>Relevant legal/regulatory provision (if any)</b>	No regulatory basis
<b>16.5. Obtaining the required right of way: Procuring authority (or other Government entity)</b>	No
<b>Private Partner</b>	No
<b>Private partner with facilitation role assigned to the procuring authority (or other Government entity)</b>	No
<b>To be established in the contract</b>	Yes
<b>Relevant legal/regulatory provision (if any)</b>	No regulatory basis
<b>PPP Procurement</b>	
<b>18. Which of the following options best describes the required qualifications of the bid evaluation committee members? (Please select only one): The membership of the bid evaluation committee is specified and/or its members are required to meet detailed qualifications.</b>	No

<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>The bid evaluation committee members require sufficient qualification without specific details.</b>	No
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>The bid evaluation committee members are not required to have any specific qualifications.</b>	Yes
<b>Please elaborate and provide examples:</b>	Article 9 of the Tenders Law provides, "A committee or more shall be established in the governmental body, which shall be responsible for conducting tenders, auctions, practices, competitions and direct agreement, consisting of a number of members of the governmental body, not less than five and not more than seven, including the chairman and vice chairman." No Articles in the Tenders Regulation detail qualifications of such Committee members.
<b>19. Does the procuring authority issue a public procurement notice of the PPP project?</b>	Yes
<b>If yes, please specify the means of publication and provide the relevant legal/regulatory provisions (if any):</b>	Article 24 of the Tenders Regulation provides, "Without prejudice to the conditions, rules and provisions stipulated in this law and the present regulation, the competed department shall, after notification of the committee, announce the bids electronically, by publication in newspapers or by any other means of announcement, in accordance with the conditions to be determined by the department."
<b>19.1. If yes, is the public procurement notice published online?</b>	Yes
<b>If yes, please specify the website:</b>	It is usually published on the procuring authority's website; <a href="http://www.ashghal.gov.qa/en/Tenders/pages/default.aspx">http://www.ashghal.gov.qa/en/Tenders/pages/default.aspx</a>
<b>20. Are foreign companies prohibited from participating in the bidding process?</b>	No
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>21. In a case comparable to the case study assumptions, does the procuring authority grant the potential bidders a minimum</b>	Yes

<b>period of time to submit their bids?</b>	
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	Article 29 of the Tenders Regulation provides, “The period specified for submission of tenders in public bids shall be sufficient to enable bidders to submit their tenders. Such period shall not be less than twenty one (21) days as of date of announcement. The committee may shorten such period, if necessary.”
<b>and the time in calendar days:</b>	n/a
<b>22.1. In a case comparable to the case study assumptions, which are the procurement procedures available and/or set as default for PPP projects? Open tendering: Available</b>	No
<b>Default</b>	Yes
<b>Relevant legal/regulatory provision (if any)</b>	<p>Article 2 of the Tender Law provides, “The contract for the purchase of items or the contracting of works or services shall be by public tender.</p> <p>The President may, by a decision of the Chairman, upon the recommendation of the Committee, contract by one of the following methods:</p> <ol style="list-style-type: none"> <li>1 - The tender is in two stages.</li> <li>2. Limited tender.</li> <li>3. Practice.</li> <li>4- Competition.</li> <li>5. Direct agreement.”</li> </ol> <p>Article 3 furthermore provides, “The general tender is the sum of the procedures declared in accordance with the conditions set out in this law and the regulation, with the aim of reaching the bidder who submits the best bid.</p> <p>The general tender is subject to the principles of justice and publicity, equality, equality of opportunity, freedom of competition, transparency and value for money.</p> <p>The public tender shall be announced in accordance with the regulations and procedures specified by the regulations.”</p>
<b>22.2. Restricted tendering (with pre-qualification stage): Available</b>	Yes
<b>Default</b>	No
<b>Relevant legal/regulatory provision (if any)</b>	<p>Article 5 of the Tenders Law provides, “Contracting in a limited tender manner in cases where its nature requires the limited participation of suppliers, contractors, service providers, consultants or technicians of their own who are registered in the lists prepared by the governmental body for this purpose and approved by the committee or those who have been qualified to participate in the tender, With technical, financial and reputable competence.</p> <p>The Regulations shall specify the aforementioned qualification rules and regulations, the procedures and provisions of the invitation to participate in the limited tender.”</p>



	<p>Article 58 of the Tenders Regulation provides, “Contracting by limited bid shall be subject to head’s decision, upon a reasoned recommendation by the committee in the cases which nature requires restriction of subscription to a limited number of suppliers, contractors, service providers, consultants or technicians concerned, from the lists prepared by the governmental entity for this purpose and approved by the committee, provided that they have the technical and financial efficiency and are well reputed.</p> <p>In case of lack of lists of companies qualified for subject of the bid to be placed, the governmental entity must qualify available companies, as a first phase and then invite acceptable companies, as a second phase.”</p>
<b>22.3 Multi-stage tendering (with shortlisting of final candidate(s)): Available</b>	Yes
<b>Default</b>	No
<b>Relevant legal/regulatory provision (if any)</b>	<p>Article 4 of the Tenders Law provides, “The contract shall be contracted in two stages in cases in which it is not possible for the government authority to prepare detailed technical specifications for the items or businesses or services in order to obtain the most solutions to meet the needs of the governmental entity, in accordance with the controls and procedures specified by the regulation.”</p> <p>Article 55 of the Tenders Regulation provides, “Contracting by two- phases bid shall be by head’s decision, upon a reasoned recommendation by the committee.”</p>
<b>22.4. Competitive dialogue: Available</b>	No
<b>Default</b>	No
<b>Relevant legal/regulatory provision (if any)</b>	n/a
<b>22.5. Direct negotiation with more than one candidate: Available</b>	Yes
<b>Default</b>	No
<b>Relevant legal/regulatory provision (if any)</b>	<p>Article 6 of the Tenders Law provides, “In cases of urgency, the contract shall be chosen from among at least three suppliers, contractors or service providers who have the items to be procured, or can perform the work or performance of the services required, in accordance with the procedures and procedures As determined by the Regulations.”</p>
<b>22.6. Direct negotiation with only one candidate: Available</b>	Yes
<b>Default</b>	No
<b>Relevant legal/regulatory provision (if any)</b>	<p>Article 8 of the Tenders Law provides, “Contracting in the form of direct agreement with a supplier, contractor, consultant or service provider for the purchase of items, execution of works or the provision of specific services, in cases of emergency, which are intolerable following the tendering or practice procedures, or in view of the nature and specificity of the items, Of the controls and procedures specified by the Regulations.”</p> <p>Article (65) of the Tenders Regulation.</p> <p>A contract may be made by direct agreement under head’s decision, upon a</p>

	<p>reasoned recommendation from the committee with supplier, contractor, consultant or service provider for purchase of items, execution of businesses or provision of limited services in the emergent cases that may not allow for follow up of bid or practice procedures or due to nature and particularity of items, businesses or services required in any of the following cases.</p> <p>1- If items, businesses or services required are available at a sole source.</p> <p>2- Upon announcement, publication and subscription in newspapers, magazines periodicals and other means of announcement, purchase of books or scientific and cultural reference required for the governmental entity.</p> <p>3- If businesses or items are required for an experimentation.</p> <p>4- If it is necessary to test the required items and to purchase them from places of their production due to their distinguished or monopolized nature which has no alternative.</p> <p>In all cases, the governmental entity must notify the department with all cases of entering into contract by direct agreement and justification thereof, if value of the contract exceeds the amount determined by the minister.</p>
<b>22.7 Other. Specify:</b>	No
<b>Available</b>	n/a
<b>Default</b>	n/a
<b>Relevant legal/regulatory provision (if any)</b>	n/a
<b>22.8. Do the tender documents detail the procedure of the procurement process providing the same information to all the bidders?</b>	Yes
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	<p>Article 8 of the Tenders Regulation provides, “The competent department shall prepare tender documents within a sufficient period before they are needed, in order to be delivered to any applicant, after payment of the cash consideration specified in the announcement.</p> <p>Documents must include the following:</p> <ol style="list-style-type: none"> <li>1- Tender announcement form.</li> <li>2- Tender (bid) form.</li> <li>3- General instruction and conditions of the tender; i.e. the legal provisions to be honored by the bidder upon submission of its bid.</li> <li>4- The special conditions of the tender; i.e. the technical matters of each tender, in accordance with its type.” <p>Article 25 of the Tenders Regulation furthermore provides, “Announcement of the public bid shall include the following:</p> <ol style="list-style-type: none"> <li>1- Number and subject of the bid.</li> <li>2- Brief statement of the items, works or services to be purchased or executed.</li> <li>3- The entity from which bid documents are requested.</li> <li>4- The price of bid documents copy as determined by the competent department.</li> <li>5- The method of tender submission (one or two envelopes).</li> <li>6- The entity to which tenders are submitted and the last date of submission.</li> <li>7- The period determined for receipt of inquiries.</li> </ol> </li></ol>

	<p>8- The date determined for opening of envelopes.</p> <p>9- The amount of provisional bond and the effective period thereof.</p> <p>10- Tender effective period.</p> <p>11- The final bond to be provided and the effective period thereof.</p> <p>12- The governmental entity's right during the period of the contract, to increase or decrease amounts of items, works or services pursuant to provisions of law and of the present regulation shall be provided for, under approval of the committee."</p>
<b>If no, please elaborate:</b>	n/a
<b>22.9. Do the tender documents specify the prequalification/shortlisting criteria (when applicable) in order to make them available to all the bidders?</b>	Yes
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	No regulatory basis
<b>22.10. Based on your experience, is it always the case that the specified criteria are respected in practice?</b>	Yes
<b>If yes, please specify and provide the relevant legal/regulatory provisions (if any):</b>	It is followed in different sectors, which also include power PPPs
<b>If no, please elaborate:</b>	n/a
<b>23. Can interested parties/potential bidders submit questions to clarify the public procurement notice and/or the request for proposals?</b>	Yes
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	<p>Article 31 of the Tenders Regulation provides, "Submission of tender is deemed an acknowledgment of the tenderer of review of all terms of the bid, plans, specifications and bills of quantities of the project and of its awareness of the nature and location of the site together with all matters related to execution, completion and delivery of the contract pursuant to provisions of the contract, conditions and technical specifications.</p> <p>Any inquiry related to the bid must be submitted to the competent department within the period specified in the bid to receive inquiries and before the deadline of tender submission. The competent department shall reply to such inquires before such date."</p> <p>Article 55 of the Tenders Regulation provides that within the two-phase tendering procedure, "The receiver of bid documents may inquire or request data of bid subject, within the period stipulated in bid documents.</p> <p>The competent department must notify all bidders with answers to the abovementioned inquiries, once completed."</p>

<b>23.1. If yes, notwithstanding confidential information pertaining to the bidders, does the procuring authority disclose those questions and clarifications to all potential bidders?</b>	<p>Yes</p>
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	<p>Article 55 of the Tenders Regulation provides that within the two-phase tendering procedure, “The receiver of bid documents may inquire or request data of bid subject, within the period stipulated in bid documents. The competent department must notify all bidders with answers to the abovementioned inquiries, once completed.”</p>
<b>23.2. Based on your experience, is it always the case that this disclosure of information is done in practice?</b>	<p>Yes</p>
<b>If yes, please specify:</b>	<p>Clarification questions during both qualification and then tender are typically shared with all applicants</p>
<b>If no, please elaborate:</b>	<p>n/a</p>
<b>24. Besides questions and clarifications, can the procuring authority conduct pre-bidding conference?</b>	<p>No</p>
<b>If yes, please specify and provide the relevant legal/regulatory provisions (if any):</b>	<p>n/a</p>
<b>24.1. If yes, notwithstanding confidential information pertaining to the bidders, does the procuring authority disclose the content and the results of the pre-bid conference to all bidders?</b>	<p>n/a</p>
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	<p>n/a</p>
<b>24.2. Based on your experience, is it always the case that this disclosure of</b>	<p>n/a</p>

<b>information is done in practice?</b>	
<b>If yes, please specify:</b>	n/a
<b>If no, please elaborate:</b>	n/a
<b>25. In a case comparable to the case study assumptions, does the procuring authority require the bidders to prepare and present a financial model with their proposals?</b>	No
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>If no, please elaborate:</b>	No regulatory provisions nor standard practice has been established to require financial models to be presented with proposals.
<b>26. Does the procuring authority evaluate the proposals strictly and solely in accordance with the evaluation criteria stated in the tender documents?</b>	Yes
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	<p>Article 15 of the Tenders Law provides, "The closing of the envelopes, the evaluation of the tenders submitted technically and financially, and the decision thereof, shall be in accordance with the controls and procedures determined by the Regulations."</p> <p>Article 47 of the Tenders Regulation further provides, "The committee recommends with awarding of the bid to the best bidder. Originally, preference shall be for the tenderer who offers the least total price, provided that all conditions are fulfilled and all required technical specifications are met, after unification of the basics of comparison between tenderers from all technical and financial aspects."</p>
<b>Evaluation criteria is not set in the tender documents</b>	0
<b>27. In the case where only one proposal is submitted (sole proposals), which of the following options best describes the way the procuring authority deals with them? (Please select only one)?: The procuring authority follows a specific procedure before awarding a PPP contract where only one proposal is submitted.</b>	Yes

<b>Please specify and provide the relevant legal/regulatory provisions (if any):</b>	<p>Article 17 of the Tenders Law provides, “By reasoned decision of the Chairman, on the recommendation of the Committee, the tender may be canceled and re-initiated in the following cases:</p> <p>1. If only one tender has been submitted, or only one tender has been left after the tendered tenders...”</p>
<b>The procuring authority considers sole proposals valid as long as they meet the conditions outlined in the tender documents.</b>	<p>No</p>
<b>Please provide the relevant legal/regulatory provisions (if any):</b>	<p>n/a</p>
<b>The procuring authority does not award a PPP contract if only one proposal is submitted.</b>	<p>No</p>
<b>Please provide the relevant legal/regulatory provisions (if any):</b>	<p>n/a</p>
<b>The regulatory framework does not include any provisions.</b>	<p>No</p>
<b>28. Does the procuring authority publish the award notice?</b>	<p>Yes</p>
<b>If yes, please specify the means of publication and provide the relevant legal/regulatory provisions (if any):</b>	<p>Article 35 of the Tenders Law provides, “The government agency must announce the final decisions issued in accordance with the provisions of this law and the regulations, including decisions regarding the acceptance, exclusion or award of tenders or cancellation of the tender.”</p> <p>Article 45 of the Tenders Regulation provides, “The decisions related to acceptance, exclusion, award of tenders or cancellation of the bid shall be announced at the unified website of state procurements. Tenderers shall be notified with reasons of such decisions to their addresses stated in the tender documents.”</p> <p>Article 68 of the Tenders Regulation provides, “Without prejudice to validity period of the tender, the committee shall inform both the competent department and the bidder upon which the bid was awarded of bid awarding, within seven days of the date of announcement of bid awarding.”</p>
<b>28.1. If yes, is the public procurement award notice published online?</b>	<p>Yes</p>
<b>If yes, please specify the website:</b>	<p>Article 45 of the Tenders Regulation provides, “The decisions related to acceptance, exclusion, award of tenders or cancellation of the bid shall be announced at the unified website of state procurements. Tenderers shall be notified with reasons of such decisions to their addresses stated in the tender documents.”</p> <p>Although, tender award notices should be published on <a href="http://www.monaqasat.mof.gov.qa/tender">www.monaqasat.mof.gov.qa/tender</a> Award notices are published on <a href="http://www.ashghal.gov.qa/en/Tenders/pages/DetailedTenderListPage.aspx?Status=Awarded">http://www.ashghal.gov.qa/en/Tenders/pages/DetailedTenderListPage.aspx?Status=Awarded</a></p>

<b>29. Does the procuring authority provide all the bidders with the result of the PPP procurement process?</b>	Yes
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	Article 45 of the Tenders Regulation provides, “The decisions related to acceptance, exclusion, award of tenders or cancellation of the bid shall be announced at the unified website of state procurements. Tenderers shall be notified with reasons of such decisions to their addresses stated in the tender documents.”
<b>If no, please elaborate:</b>	n/a
<b>29.1. If yes, does the notification of the result of the PPP procurement process include the grounds for the selection of the winning bid?</b>	Yes
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	Article 45 of the Tenders Regulation provides, “The decisions related to acceptance, exclusion, award of tenders or cancellation of the bid shall be announced at the unified website of state procurements. Tenderers shall be notified with reasons of such decisions to their addresses stated in the tender documents.”
<b>30. Is there a standstill (or pause) period after the contract award and before the signing of the contract in order to allow unsuccessful bidders to challenge the award decision?</b>	No
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>and the time in calendar days:</b>	n/a
<b>30.1. Is the standstill period set out in the notice of intention to award?</b>	n/a
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>31. Does the regulatory framework restrict negotiations with the selected bidder between the award and the signature of the PPP contract in order to prevent an unfair disadvantage to the other bidders?</b>	Yes

<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	<p>Article 16 of the Tenders Law provides, “The Committee may not negotiate with the bidders regarding the amendment of their bids after the expiry of the envelopes, except in the following two cases: 1. If the tender period has expired due to exceptional circumstances, in order to extend this period. 2 - If the best bid is accompanied by reservations, in order to waive the owner of his reservations, or lower the price to the estimated value, and if the bidder refused to give up the best of his reservations or descent to the estimated value, the Commission may negotiate with the next bidder in the order of preference.”</p> <p>Article 42 of the Tenders Regulation provides, “3- The competent department may not contact bidders unless for getting necessary clarifications and assurances related to the tenders they submitted, to obtain data or complete documents without any amendment or change in the conditions and specifications upon which placement was made and without any change in the prices prescribed in the submitted tenders.”</p>
<b>31.1. Based on your experience, is it always the case that this restriction is respected in practice?</b>	<p>No</p>
<b>If yes, please specify:</b>	<p>n/a</p>
<b>If no, please elaborate:</b>	<p>No clear consensus is evident that this restriction is always respected in practice</p>
<b>32. Does the procuring authority publish the PPP contract?</b>	<p>No</p>
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	<p>n/a</p>
<b>32.1. If yes, which of the following options best describes this publication (choose only one)?: Publication of the full PPP contract including all its annexes and appendixes</b>	<p>n/a</p>
<b>Publication of the full PPP contract without including all its annexes and appendixes</b>	<p>n/a</p>
<b>Publication of a summary of the PPP contract without publishing the full PPP contract</b>	<p>n/a</p>
<b>Publication of a summary of the PPP contract along with the full PPP contract</b>	<p>n/a</p>



including all its annexes and appendixes	
Publication of a summary of the PPP contract along with the full PPP contract without including all its annexes and appendixes	n/a
32.2. If yes, is it published online?	n/a
If yes, please specify the website:	n/a
32.3. If yes, does the procuring authority also publish any subsequent amendment made to the PPP contract?	n/a
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
<b>PPP Contract Management</b>	
41. Has the procuring or contract management authority established a system to manage the implementation of the PPP contract (e.g. attributing responsibilities or establishing specific management tools)?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	No regulatory basis
41.1. If yes, which of the following tools does it include (check all that apply)?: Establishment of a PPP contract management team	No
Relevant legal/regulatory provisions (if any):	n/a
Participation of the members of the PPP contract management team in the PPP procurement process and/or vice versa	No
Relevant legal/regulatory provisions (if any):	n/a

<b>Elaboration of a PPP implementation manual or an equivalent document</b>	No
<b>Relevant legal/regulatory provisions (if any):</b>	n/a
<b>Establishment of personnel training programs (i.e. initial training and continued training throughout the course of the project)</b>	No
<b>Relevant legal/regulatory provisions (if any):</b>	n/a
<b>Establishment of a risk mitigation mechanism which considers the evolving nature of risks throughout the project lifecycle (guidelines, specific processes, insurance regime, etc.)</b>	No
<b>Relevant legal/regulatory provisions (if any):</b>	n/a
<b>41.2. Which of the following options best describes the required qualifications of the PPP contract management team members? (Please select only one): The membership of the PPP contract management team is specified and/or its members are required to meet detailed qualifications.</b>	No
<b>If yes, please specify and provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>The PPP contract management team members are required to meet sufficient qualification without specific details.</b>	No

<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>The PPP contract management team members are not required to meet any specific qualifications.</b>	Yes
<b>Please elaborate and provide examples:</b>	There are no qualifications mentioned in regulatory provisions that PPP contract management team members must meet
<b>42. Does the procuring or contract management authority establish a system for tracking progress and completion of construction works under a PPP contract?</b>	No
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>42.1. If yes, is the PPP contract construction performance information made available to the public?</b>	n/a
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>42.2. If yes, is the PPP contract construction performance information made publicly available online?</b>	n/a
<b>If yes, please specify the website:</b>	n/a
<b>43. Does the procuring or contract management authority establish a monitoring and evaluation system of the PPP contract implementation after construction?</b>	Yes
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	No regulatory basis
<b>43.1. If yes, which of the following tools does it include (check all that apply)?: Performance is assessed against</b>	No

<b>evaluation criteria set in the tender documents and the PPP contract</b>	
<b>Relevant legal/regulatory provisions (if any)</b>	n/a
<b>The procuring or contract management authority can abate (reduce) payments for non-performance of operating obligations under the PPP contract</b>	Yes
<b>Relevant legal/regulatory provisions (if any)</b>	<p>Article 79 of the Tenders Regulation provides, “The contracting party shall execute the contract within specified times. If it delays execution of the contract or any part thereof than the date specified, the governmental entity may, if it deems beneficial, give the contracting party an additional period for completion of execution provided that it shall be subject to a delay penalty for delay periods, in accordance with the following percentages and periods:</p> <p>1- A fine for each day or part of a day, not exceeding 10% of the total value of the contract.</p> <p>2- A fine for every day of delay with a maximum limit of 10% of the value of items, businesses or services which supply of execution was delayed by the contracting party, if the governmental entity estimated that the contracting items, businesses or services are not related and that the delayed part would not prevent making use of the remaining items, works or services subject of the contract.</p> <p>In all cases, imposing of the fine shall be without any notice, notification or evidence of damage occurrence.”</p>
<b>The private partner must provide the procuring or contract management authority with periodic operational and financial data</b>	No
<b>Relevant legal/regulatory provisions (if any)</b>	n/a
<b>The procuring or contract management authority must periodically gather information on the performance of the PPP contract</b>	No
<b>Relevant legal/regulatory provisions (if any)</b>	n/a
<b>The PPP contract performance information must be available to the public</b>	No

<b>Relevant legal/regulatory provisions (if any)</b>	n/a
<b>43.2. Is PPP contract performance information made publicly available online?</b>	No
<b>If yes, please specify the website:</b>	n/a
<b>44. Are foreign companies prohibited from repatriating the income resulting from the operation of a PPP project?</b>	No
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>45. Does the regulatory framework (including standard contractual clauses) expressly regulate changes in the ownership structure (i.e. stakeholder composition) of the private partner and/or assignment of the PPP contract?</b>	No
<b>If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):</b>	n/a
<b>45.1. If yes, which of the following circumstances are specifically regulated? (check all that apply): Any change in the private partner during an initial period (e.g. construction and first five years of operation).</b>	n/a
<b>If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):</b>	n/a
<b>Changes of ownership/contract</b>	n/a

assignment, at any time during the contract, must preserve the same technical qualifications as the original operator.	
If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):	n/a
In other cases, flexibility to change the ownership structure and/or assign the contract.	n/a
If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):	n/a
<b>46. Does the regulatory framework (including standard contractual clauses) expressly regulate the modification or renegotiation of the PPP contract (once the contract is signed)?</b>	Yes
If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):	<p>Article 18 of the Tenders Law provides, "The President may, on the recommendation of the Committee, and in accordance with the public interest, adjust the quantities or volume of contracts concluded in accordance with the provisions of this Law and the Regulations by increasing or decreasing under the same conditions and prices, without the Contractor having the right to claim any compensation in accordance with the limits and limits Regulations."</p> <p>Article 80 of this Regulation also provides, "Upon recommendation of the committee, the head may, for public interest, amend quantities or volume of the concluded contracts pursuant to provision of law and of the present regulation. Such amendment may be by increase or decrease for the same conditions and prices and for a percentage not exceeding 20% of the value of the contract.."</p>
<b>46.1. If yes, is an approval from a government authority, other than the procuring authority, required?</b>	No
If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):	n/a
<b>46.2. If yes to question 46, which of the</b>	No

following circumstances are specifically regulated? (check all that apply): A change in the scope and/or object of the contract.	
If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):	n/a
A change in the risk allocation of the contract.	No
If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):	n/a
A change in the financial and/or economic balance of the contract.	No
If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):	n/a
A change in the duration of the contract.	No
If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):	n/a
A change in the agreed price or tariff.	Yes
If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):	Article 18 of the Tenders Law provides, "The President may, on the recommendation of the Committee, and in accordance with the public interest, adjust the quantities or volume of contracts concluded in accordance with the provisions of this Law and the Regulations by increasing or decreasing under the same conditions and prices, without the Contractor having the right to claim any compensation in accordance with the limits and limits Regulations." Article 80 of this Regulation also provides, "Upon recommendation of the committee, the head may, for public interest, amend quantities or volume of the concluded contracts pursuant to provision of law and of the present regulation. Such amendment may be by increase or decrease for the same conditions and prices and for a percentage not exceeding 20% of the value of the contract.."
46.3. Can the procuring authority unilaterally modify a PPP contract?	Yes

<p><b>If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):</b></p>	<p>Article 18 of the Tenders Law provides, “The President may, on the recommendation of the Committee, and in accordance with the public interest, adjust the quantities or volume of contracts concluded in accordance with the provisions of this Law and the Regulations by increasing or decreasing under the same conditions and prices, without the Contractor having the right to claim any compensation in accordance with the limits and limits Regulations.”</p> <p>Article 80 of this Regulation also provides, “Upon recommendation of the committee, the head may, for public interest, amend quantities or volume of the concluded contracts pursuant to provision of law and of the present regulation. Such amendment may be by increase or decrease for the same conditions and prices and for a percentage not exceeding 20% of the value of the contract..”</p>
<p><b>47. Does the regulatory framework (including standard contractual clauses) expressly regulate the following circumstances that may occur during the life of the PPP contract? (check all that apply): Force Majeure</b></p>	<p>Yes</p>
<p><b>If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):</b></p>	<p>No regulatory basis</p>
<p><b>Material Adverse government action .</b></p>	<p>Yes</p>
<p><b>If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):</b></p>	<p>No regulatory basis</p>
<p><b>Change in the Law.</b></p>	<p>Yes</p>
<p><b>If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):</b></p>	<p>No regulatory basis</p>
<p><b>Refinancing.</b></p>	<p>No</p>
<p><b>If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):</b></p>	<p>n/a</p>
<p><b>Subcontracting and replacement of the subcontractors.</b></p>	<p>No</p>
<p><b>If yes, please provide the relevant legal/regulatory/standard</b></p>	<p>n/a</p>



<b>d contractual provisions (if any):</b>	
<b>48. Does the regulatory framework (including standard contractual clauses) allow for administrative and/or contractual complaint review mechanisms to address disputes arising from the implementation of PPP contracts?</b>	Yes
<b>If yes, please specify and provide the relevant legal/regulatory/standard contractual provisions (if any):</b>	<p>Article 34 of the Tenders Law provides, “In the event of a dispute between them arising out of the contract, the parties to the contract may agree to settle it by arbitration, with the consent of the Minister, upon the offer of the President, with each party committing to continue to fulfill its obligations arising out of the contract.” The complaints mechanism thus remains to be regulated in the contract, and arbitration may be one of the chosen disputes settlement mechanisms.</p> <p>Article 11 of the Investment Law provides, “Agreement may be reached on the settlement of any dispute between the foreign investor and others by means of domestic or international arbitration panels. “</p> <p>The regulatory framework in Qatar consequently allows parties to the PPP agreement to designate the choice of complaints mechanism in the contract.</p>
<b>48.1. If yes, please specify which of the following options are available (check all that apply): Local administrative review body</b>	No
<b>If yes, please specify:</b>	n/a
<b>Local courts</b>	Yes
<b>Domestic arbitration</b>	Yes
<b>International arbitration</b>	Yes
<b>Investor-State Dispute Settlement (ISDS)</b>	Yes
<b>Mediation</b>	Yes
<b>Please provide the relevant legal/regulatory/standard contractual provisions (if any)</b>	<p>Article 34 of the Tenders Law provides, “In the event of a dispute between them arising out of the contract, the parties to the contract may agree to settle it by arbitration, with the consent of the Minister, upon the offer of the President, with each party committing to continue to fulfill its obligations arising out of the contract.” The complaints mechanism thus remains to be regulated in the contract, and arbitration may be one of the chosen disputes settlement mechanisms.</p> <p>Article 11 of the Investment Law provides, “Agreement may be reached on the settlement of any dispute between the foreign investor and others by means of domestic or international arbitration panels. “</p>

	<p>Law No. 2/2017 Promulgating the Civil and Commercial Arbitration Law [hereinafter “Arbitration Law of Qatar”] also permits Arbitration in contracts like PPPs in Article 2.</p> <p>Qatar has also been signatory to the Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York, 1958) since 30/12/2002 and the Convention on the Settlement of Investment Disputes between States and Nationals of Other States (ICSID Convention) since December 21, 2010.</p> <p>The regulatory framework in Qatar consequently allows parties to the PPP agreement to designate the choice of complaints mechanism in the contract.</p>
<b>48.2. If applicable, are arbitration awards enforceable by the local courts?: Domestic Arbitration</b>	Yes
<b>If yes, please provide the relevant legal/regulatory provisions/standard contractual provisions (if any):</b>	<p>Article 34 of the Arbitration Law of Qatar provides, “1. An arbitral award shall have the status of res judicata and shall be enforceable, in accordance with the provisions of this Law, regardless of the country in which the award was issued.</p> <p>2. An application for enforcement of the arbitral award shall be submitted in writing to the Competent Judge, with a copy of the Arbitration Agreement, and the original award or a certified copy of it in the language in which it was issued, along with a certified Arabic translation if it was issued in a foreign language, unless the parties agreed on alternative methods to enforce the arbitral award.</p> <p>3. An application for enforcement of the arbitral award shall not be accepted until the lapse of the time limit set for the submittal of the application for setting aside the arbitral award”</p>
<b>International arbitration</b>	Yes
<b>If yes, please provide the relevant legal/regulatory provisions/standard contractual provisions (if any):</b>	<p>Article 34 of the Arbitration Law of Qatar provides, “1. An arbitral award shall have the status of res judicata and shall be enforceable, in accordance with the provisions of this Law, regardless of the country in which the award was issued.</p> <p>2. An application for enforcement of the arbitral award shall be submitted in writing to the Competent Judge, with a copy of the Arbitration Agreement, and the original award or a certified copy of it in the language in which it was issued, along with a certified Arabic translation if it was issued in a foreign language, unless the parties agreed on alternative methods to enforce the arbitral award.</p> <p>3. An application for enforcement of the arbitral award shall not be accepted until the lapse of the time limit set for the submittal of the application for setting aside the arbitral award.”</p> <p>Article 35 of this Law provides, “Recognition or enforcement of any arbitral award may not be refused, irrespective of the country in which the arbitral award was issued...”</p> <p>Qatar has also been signatory to the Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York, 1958) since December 30, 2002.</p>
<b>Investor-State arbitration</b>	Yes
<b>If yes, please provide the relevant legal/regulatory provisions/standard</b>	<p>Article 34 of the Arbitration Law of Qatar provides, “1. An arbitral award shall have the status of res judicata and shall be enforceable, in accordance with the provisions of this Law, regardless of the country in which the award was issued.</p> <p>2. An application for enforcement of the arbitral award shall be submitted in writing to the Competent Judge, with a copy of the Arbitration Agreement, and the original</p>

<b>contractual provisions (if any):</b>	<p>award or a certified copy of it in the language in which it was issued, along with a certified Arabic translation if it was issued in a foreign language, unless the parties agreed on alternative methods to enforce the arbitral award.</p> <p>3. An application for enforcement of the arbitral award shall not be accepted until the lapse of the time limit set for the submittal of the application for setting aside the arbitral award.”</p> <p>Article 35 of this Law provides, “Recognition or enforcement of any arbitral award may not be refused, irrespective of the country in which the arbitral award was issued...”</p> <p>Qatar has also been signatory to the Convention on the Settlement of Investment Disputes between States and Nationals of Other States (ICSID Convention) since December 21, 2010.</p>
<b>49. Does the regulatory framework (including standard contractual clauses) allow for the restructuring of a PPP private partner (SPV) in financial difficulty prior to insolvency?</b>	<p>No</p>
<b>If yes, please specify and provide the relevant legal/regulatory/standard contractual provisions (if any):</b>	<p>n/a</p>
<b>50. Does the regulatory framework (including standard contractual clauses) allow for the lenders to take control of the PPP project (lender step-in rights) if either the private partner defaults or if the PPP contract is under threat of termination for failure to meet service obligations?</b>	<p>No</p>
<b>If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):</b>	<p>n/a</p>
<b>50.1. If yes, which of the following options best describes the lender step-in right? (Please select only one): The regulatory framework expressly regulates the lender step-in rights.</b>	<p>n/a</p>

<b>If yes, please specify and provide the relevant legal/regulatory/standard contractual provisions (if any):</b>	n/a
<b>The regulatory framework prescribes that a direct agreement should be signed with the lenders.</b>	n/a
<b>If yes, please specify and provide the relevant legal/regulatory/standard contractual provisions (if any):</b>	n/a
<b>The regulatory framework prescribes that the lender step-in rights should be regulated in the contract.</b>	n/a
<b>If yes, please specify and provide the relevant legal/regulatory/standard contractual provisions (if any):</b>	n/a
<b>Other.</b>	n/a
<b>Please Specify:</b>	n/a
<b>51. Does the regulatory framework (including standard contractual clauses) expressly establish the grounds for termination of a PPP contract?</b>	Yes
<b>If yes, please specify and provide the relevant legal/regulatory/standard contractual provisions (if any):</b>	<p>Article 25 of the Tenders law provides, "The Government Entity has the right to terminate the contract in any of the following cases:</p> <ol style="list-style-type: none"> <li>1- The death of the contractor if his personality is considered in the contract.</li> <li>2. Bankruptcy or insolvency of the Contractor.</li> <li>3 - Expiration of the company or the contracting institution in accordance with the provisions of the law.</li> <li>4. If the public interest so requires, and by reasoned decision of the President, on the recommendation of the Committee"</li> </ol>
<b>51.1. If yes, does the regulatory framework (including standard contractual clauses) establish the consequences for the termination of the PPP contract?</b>	No

<b>If yes, please specify and provide the relevant legal/regulatory/standard contractual provisions (if any):</b>	n/a
<b>Unsolicited Proposals</b>	
<b>34. Are unsolicited proposals in Qatar: (choose only one): Explicitly prohibited by the legal framework? (If prohibited, skip to section F)</b>	No
<b>Explicitly allowed by the legal framework?</b>	No
<b>Not regulated by the legal framework, but do happen in practice?</b>	No
<b>Not regulated by the legal framework, and do not happen in practice? (if not done in practice, skip to section F)</b>	Yes
<b>If the legal framework explicitly prohibits or allows unsolicited proposals, please provide the relevant legal/regulatory provisions</b>	n/a
<b>35. Does the procuring authority conduct an assessment to evaluate unsolicited proposals? (if not, skip to question 37)</b>	n/a
<b>If yes, please specify and provide the relevant legal/regulatory provisions (if any)</b>	n/a
<b>35.1. If yes, is there any vetting procedure and/or pre-feasibility analysis before fully assessing the unsolicited proposal?</b>	n/a
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>36. Which of the following options best describe how the procuring authority</b>	n/a

<p><b>ensures that unsolicited proposals are consistent with existing government priorities? (Please select only one): The procuring authority follows a specific procedure to ensure the consistency of PPPs with other government investment priorities.</b></p>	
<p><b>If yes, please specify and provide the relevant legal/regulatory provisions (if any):</b></p>	n/a
<p><b>The regulatory framework requires unsolicited proposals to be among the existing government priorities without establishing specific procedures to achieve that goal.</b></p>	n/a
<p><b>If yes, please provide the relevant legal/regulatory provisions (if any):</b></p>	n/a
<p><b>The procuring authority does not evaluate unsolicited proposals against existing government priorities.</b></p>	n/a
<p><b>Please elaborate and provide examples:</b></p>	n/a
<p><b>37. Does the procuring authority initiate a competitive PPP procurement procedure when proceeding with the unsolicited proposal?</b></p>	n/a
<p><b>If yes, please provide the relevant legal/regulatory provisions (if any):</b></p>	n/a
<p><b>38. Does the procuring authority grant a minimum period of time to additional prospective bidders (besides the proponent) to prepare their proposals?</b></p>	n/a

<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>and the time in calendar days:</b>	n/a
<b>39.1 Does the procuring authority use any of the following incentive mechanisms to reward/compensate the presentation of unsolicited proposals? (check all that apply): Access to the best and final offer (BAFO) process and/or automatic shortlisting.</b>	n/a
<b>39.2 Developer's fee (reimbursing the original proponent for the project development cost).</b>	n/a
<b>39.3 Bid Bonus.</b>	n/a
<b>39.4 Swiss challenge (If unsuccessful, the original proponent has the option to match the winning bid and win the contract).</b>	n/a
<b>39.5 Other.</b>	n/a
<b>Please specify:</b>	n/a
<b>Please provide the relevant legal/regulatory provisions (if any):</b>	n/a